

## **REMARKS**

The Applicant is currently submitting this Response to the Office Action mailed on December 11, 2008. The Applicants respectfully request further examination and reconsideration in view of the above amendments and arguments set forth fully below. Claims 1-11, 18-26, 28-29, and 31-37 were previously pending in the present application. Within the Office Action of April 22, 2008, claims 1-11, 18-26, 28-29, and 31-37 were rejected. The Applicant is currently amending claims 1, 18-21, 24-26, and 28-29, and 31. No new matter is contained by way of these amendments.

### **Rejections Under 35 U.S.C. §101**

Within the Office Action, the Examiner rejected claims 29 and 31 were rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter. The Applicant respectfully traverse this rejection because claims 29 and 31, as amended, now clearly claim statutory subject matter.

### **Rejections Under 35 U.S.C. §112**

Also within the Office Action, the Examiner rejected claims 1-11, 18-26, 28-29, and 31-37 for allegedly failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Applicants respectfully traverse this rejection because, as amended, the claims are now sufficiently clear to particularly point out and distinctly claim the subject matter that the Applicant regards as their invention.

As the Examiner correctly stated, there are two orders defined in the independent claims, namely an order among the packets and an order among the packet types. The independent claims are currently amended to make this distinction clear. For example, the last sub-clause in the last three lines of claim 1 which was opposed to by the Examiner in the Office Action, combines both orders.

This combination has been split up in the present amendment by moving the definition regarding the order among the first and second data packet types to the preceding paragraph where the predetermined order among the data packet types is firstly mentioned. As such, the claims are now clearer and particularly point out and distinctly claim the subject matter that the Applicant regards as their invention.

### **Conclusion**

As set forth above, all of the rejections as been overcome. Therefore claims 1-11, 18-26, 28-29, and 31-37 are in condition for allowance and an early issuance of a Notice of Allowance would be appreciated.

Should the Examiner have any questions regarding the application, he is respectfully urged to contact Applicant's attorney at (650) 474-8400.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Michael A. Glenn", with a long, sweeping horizontal stroke extending to the right.

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